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98TH CONGRESS
1st Session

SENATE

REPORT
No. 98-141

AMENDING CERTAIN PROVISIONS OF LAW RELATING TO UNITS OF THE NATIONAL PARK SYSTEM AND OTHER PUBLIC LANDS, AND FOR OTHER PURPOSES

MAY 20 (legislative day, MAY 16), 1983.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 1213]

The Committee on Energy and Natural Resources, to which was referred the Act to amend certain provisions of law relating to units of the National Park System and other public lands, and for other purposes, having considered the same, reports favorably thereon with amendment(s) and recommends that the Act as amended do pass.

The amendments are as follows:

1. On page 2, line 17 strike all of section 3 through page 3, line 18 and renumber the following sections accordingly.

2. On page 4, line 16 strike all of section 8 through line 21 and renumber the following sections accordingly.

3. Delete all of pages 11 and 12 and insert in lieu thereof:

SEC. 11. (a) All right, title, and interest of the United States in certain lands within the boundaries of the Sequoia National Forest in Tulare County, California, and described in subsection (b) is hereby conveyed to those persons who submit a written application to the Secretary of Agriculture within five years after the date of enactment of this Act, with such proof of title as the Secretary may consider appropriate.

(b) The lands to be conveyed under subsection (a) are described as follows:

(4) On p. 17 after line 8, add the following new section:

SEC. 14. (a) Title 31, United States Code, is amended as follows:

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"(1) Section 6901(2) is amended to read as follows:

"(2) 'unit of general local government' means—

"(A) a county (or parish), township, borough existing in Alaska on October 20, 1976, or city where the city is independent of any other unit of general local government, that—(i) is within the class or classes of such political subdivisions in a State that the Secretary of the Interior, in his descretion, determines to be the principal provider or providers of governmental services within the State; and (ii) is a unit of general government as determined by the Secretary of the Interior on the basis of the same principles as were used on January 1, 1983, by the Secretary of Commerce for general statistical purposes. The term 'governmental services' includes, but is not limited to, those services that relate to public safety, environment, housing, social services, transportation, and governmental administration;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico;

"(D) Guam; and

"(E) the Virgin Islands;

"(2) Section 6903(a)(4) is repealed."

(b) The United States shall not be subject to any cause of action or any liability for distribution of payments made prior to January 1, 1983, under the Act of October 20, 1976, (90 Stat. 2662), as amended, or regulations pursuant thereto.

Summary of Major Provisions

The major provisions of H.R. 1213, the Public Lands and National Parks Act of 1983, as reported would:

(1) Authorize the Secretary of the Interior to accept approximately 4 acres of land adjacent to the Effigy Mounds National Monument, Iowa, in return for the conveyance of some 3 acres of monument land.

(2) Increase the authorized ceiling for land acquisition for the Cape Lookout National Seashore, North Carolina; the Cape Cod National Seashore. Massachusetts; the Sleeping Bear Dunes National Lakeshore, Michigan; and the Congaree Swamp National Monument, South Carolina.

(3) Increase the authorized development ceiling for the Perry's Victory and International Peace Memorial, Ohio and delete those provisions in the Memorial's authorizing legislation which provided that employees of the Perry's Victory Memorial Commission on June 2, 1936 may be employed by the National Park Service.

(4) Amend the Pennsylvania Avenue Development Corporation (PADC) Act of 1972 to increase the Corporation's borrowing authority by $20 million and reauthorize funds for operating and administrative expenses. New reporting requirements are imposed.

(5) Direct the Secretary of the Interior to release certain restrictions involving uses of land previously conveyed to the State of Florida for a State recreation area, and allows the State of Florida to buy the mineral interests in those lands.

(6) Provide for consideration of claims under the Color-of-Title Act for a tract of land in Livingston Parish, Louisiana.

(7) Provide for the conveyance of all Federal interests in a tract of National Forest land in Tulare County, California.

(8) Adjust the boundaries of two national forests in Colorado to transfer certain BLM and Bureau of Reclamation lands to National Forest status, and to transfer certain National Forest lands for management by BLM.

(9) Amend the title 31 of the United States Code to delete section 6903(a)(4) and to redefine the phrase, "unit of general local government" in section 6901(2).

Background and Need

Effigy Mounds National Monument

Effigy Mounds was established by Presidential Proclamation on October 25, 1949, to protect a series of unique, prehistoric Indian Mounds overlooking the Mississippi River in Northeastern Iowa. The 3-acre monument parcel proposed for deletion in H.R. 1213 is isolated from the main body of the park by County Road 541. Triangular in shape, the land rises steeply from the county road to a height of approximately 100 feet above the road bed.

The 4-acre parcel to be acquired is owned by James S. Kopecky, the individual whose holdings also provide the sole route of access to the isolated monument land. The tract is similarly triangular in shape. However, it is easily observed from the road, and thus easier to patrol. Warning signs and boundary markers would be placed along the road, making them easier to maintain and more visible.

In the past, the Kopecky triangle has been used as an escape route and sanctuary by poachers and ginseng hunters raiding the park. If the monument boundary were contiguous along one side of the road, violators would be unable to screen their illegal activities in this "free area".

The land to be deleted from the park by Mr. Kopecky would be used principally for grazing. The tract to be added to the park, is not readily usable for grazing. The values of the two parcels are roughly equal, with the private land being valued at $1,550 and the Effigy Mounds Tract being valued at $1,600 according to September 1980 calculations prepared by the U.S. Park Service.

Authorization ceiling increases

H.R. 1213 would increase the authorized ceilings for land acquisition for the Cape Lookout National Seashore, North Carolina; the Cape Cod National Seashore, Massachusetts; Sleeping Bear National Lakeshore, Michigan; and the Congaree Swamp National Monument in South Carolina. All these park units have reached their authorized ceilings. Similarly, the Act would increase the authorized development ceiling for Perry's Victory International Peace Memorial in Ohio.

Pennsylvania Avenue Development Corporation

H.R. 1213 incorporates certain provisions, requested by the Administration, to reauthorize appropriations for the Corporation's operating and administrative expenses and to authorize appropriations and further borrowings to implement the development plan for Pennsylvania Avenue. In addition, there are provisions which require the Corporation to provide the appropriate Committees of the Congress with an increased opportunity to review significant changes in the plan and actions taken to protect and enhance significant historical and architectural values of structures within the Corporation's development area.

Public lands provisions

As reported, H.R. 1213 includes a number of provisions to resolve particular problems arising from applicable public land laws and land tenures. Section 9 makes possible a land exchange between the State of Florida and the United States, on the one hand, and a private owner on the other, to resolve a trespass situation arising from an inaccurate survey of the boundary of a State recreation area the surface of which was earlier transferred to the State by the United States.

Section 10 allows the Secretary of the Interior to apply the Color-of-Title Act to resolve title questions on a tract of land in Livingston Parish, Louisiana that would otherwise not qualify for application because the tract is larger than 160 acres.

Section 11 provides for relief to private parties in technical trespass on national forest lands in California.

Section 12 of H.R. 1213 adjusts the boundaries of two national forests in Southwestern Colorado in order to consolidate land management patterns for the United States Forest Service, the Bureau of Land Management, and the Bureau of Reclamation. These adjustments were recommended by the Administration, and are the results of an interagency study.

PILT amendment

On December 20, 1982, the Sixth Circuit Court of Appeals in *Meade Township* v. *Andrus* ruled that the Bureau of Land Management (BLM) erred in providing payment-in-lieu-of-taxes (PILT) payments to counties rather than townships in Michigan.

The Court held that the PILT Act states a clear Congressional preference for "smaller 'units of local government' " as the recipients of PILT payments. The Court said that whenever two units of local government exercise concurrent jurisdiction over federal lands, the smaller unit of general government should receive the payments for the land within its boundaries.

The decision also stated that BLM erroneously applied the "principal provider of services" test in its regulations to determine which general purpose local governments receive PILT. Under the BLM standard, over 1,500 counties nationwide are the current PILT recipients.

The Sixth Circuit sent the case back to the Federal District Court in Michigan to draw up the order. BLM will have to revise its regula-

tions, and PILT payments in the Sixth Circuit will now go to townships, and possibly other local governments smaller than counties.

BLM may not be able to make payments under PILT to the present recipients this fiscal year. It may take several years to make payment calculations under the court decision.

This amendment would remove the ambiguity in the PILT Act and negate the effect of *Meade Township* v. *Andrus*. It makes clear that Congress intends that the class or classes of general local governments which are the principal providers of governmental services within a State, as determined by the Secretary of the Interior, will be recipients of PILT payments. It is intended that payments made under the PILT Act as amended by this Act, will continue to be made in the same manner and to the same recipients as in prior fiscal years.

Legislative History

H.R. 1213 passed the House on March 8, 1983. It was referred to the Senate Committee on Energy and Natural Resources. Testimony was received at a hearing on H.R. 1213 by the Subcommittee on Public Lands and Reserved Water on April 7, 1983. At an open business session on May 13, 1983, the Senate Committee on Energy and Natural Resources ordered H.R. 1213 favorably reported as amended.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources in an open business session on May 13, 1983 by a unanimous vote of a quorum present recommends that the Senate pass H.R. 1213, as described therein.

The rollcall vote on reporting the measure was 19 yeas and 0 nays as follows:

YEAS	NAYS
McClure	
Hatfield	
Weicker*	
Domenici*	
Wallop	
Warner	
Murkowski	
Nickles	
Hecht	
Chafee	
Heinz*	
Johnston*	
Jackson	
Bumpers*	
Ford	
Metzenbaum*	
Matsunaga*	
Melcher	
Bradley*	

* Indicates voted by proxy.

Committee Amendments

The Committee amended H.R. 1213, the Public Lands and National Parks Act of 1983, to strike all of section 3 authorizing the Secretary of the Interior to acquire the former home of the 33d President, Harry S. Truman at 219 North Delaware Street in Independence, Missouri to be administered as the Harry S Truman National Historic Site. The Congress recently enacted similar legislation to this provision by passing S. 287, Section 3 of H.R. 1213 is no longer necessary.

The Committee amendment deletes Sec. 8. of H.R. 1213 as passed by the House. Sec. 7(a)(3) of Public Law 95-42 provides that the land acquisition authorization ceilings for units of park system authorized prior to the convening of the 95th Congress may be exceeded by $1 million or 10 percent of the authorized ceiling, which ever is greater.

As passed the House, H.R. 1213 includes a provision (Sec. 8) making the new authorization ceilings established in the Act subject to the provisions of Public Law 95–42 as if these ceilings had been enacted prior to the convening of the 95th Congress.

The Committee believes that with the statutory increases in the ceilings made by this Act, it is not necessary to also make these new ceilings subject to the provisions of Public Law 95–42.

A third amendment adopted by the Committee amended Section 13 of the Act as passed by the House to delete the provisions relating to Parcel A, and to change the language authorizing relief to persons holding lands within the boundaries of the Sequoia National Forest in Tulare County, California described in Parcel B. The Parcel A provisions relating to the Hartland Subdivision were deleted because no special legislation is necessary to resolve this conflict. The Small Tracts Act, Public Law 9–465 approved by the President on January 12, 1983 provides general authority to resolve disputes involving encroachments on the National Forest lands which such encroachments, or innocent occupancy, are due to faulty survey, erroneous title search or land description, etc.

The Committee also amended H.R. 1213 to add a new Section to the Act. As passed the House on March 8, 1983, H.R. 1213 did not contain any provisions amending the payment in lieu of taxes law, which provides for payments to units of local governments to compensate them for certain Federal lands located within their boundaries. The Committee amendment amended title 31 of the United States Code to delete section 6903(a)(4) to redefine the phrase, "unit of general local government", in section 6901(2) thereby making this phrase consistent with the intent of regulations which have been in use for several years. A principal purpose of this amendment is to affirm Congressional intent with regard to which unit of general local government is to receive funds under this Act. This intent is that the class or classes of units of general government which are the principal providers of governmental services are the units of government to be compensated. The amendment negates the effect of the decision in *Meade Township* v. *Andrus*. As a result it is anticipated and intended that PILT payments will continue to be made in the same manner and to the same recipients as in prior fiscal years. The amendment

also contains a provision which protects the United States from any cause of action or legal liability for distribution of payments under the PILT Act prior to January 1, 1983.

Section-By-Section Analysis

Section 1 provides a short title for the bill, the "Public Lands and National Parks Act of 1983."

Section 2 authorizes the Secretary of the Interior to accept a parcel of land comprising roughly four acres adjacent to the Effigy Mounds National Monument, Iowa, in return for the conveyance of some three acres of monument land. The exchange would be accomplished without monetary consideration, and the 4 acres acquired by the Secretary would become part of Effigy Mounds National Monument, subject to all applicable laws and regulations. Subsection (b) of the bill provides a legal description of the affected properties.

Section 3 increases the authorized ceiling for land acquisition for Cape Cod National Seashore, Massachusetts, from $33,500,000 to $42,917,575.

Section 4 increases the authorized ceiling for land acquisition for Cape Lookout National Seashore, North Carolina, from $7,903,000 to $13,903,000.

Section 5 increases the authorized ceiling for land acquisition for Sleeping Bear Dunes National Lakeshore, Michigan, from $66,153,000 to $82,149,558.

Section 6 increases the authorized ceiling for land acquisition for the Congaree Swamp National Monument, South Carolina, from $35,500,000 to $60,500,000.

Section 7 increases the authorized ceiling on development for the Perry's Victory and International Peace Memorial, Ohio, from $9,327,000 to $9,825,000 and deletes provision in the memorial's authorizing legislation which provided that employees of the Perry's Victory Memorial Commission on June 2, 1936 may be employed by the National Park Service.

Section 8 amends the Pennsylvania Avenue Development Corporation (PADC) Act of 1972 to increase the Corporation's borrowing authority by $20 million and reauthorizes funds for operating and administrative expenses at $3,250,000 annually through September 30, 1988. It also corrects several clerical errors in the 1972 Act, and adds several reporting requirements on PADC for reporting to the Congress.

Section 9 directs the Secretary of the Interior to release certain restrictions involving uses of lands previously conveyed to the State of Florida for a State recreation area, and to allow Florida to buy the mineral interests in those lands. The effects of this provision is to facilitate an exchange between the State and a private party who has accidentally trespassed on less than an acre of the State recreation area. This measure was passed by the House (H.R. 5672), on August 4, 1982, but was not acted on by the Senate. The background and terms of this section are more fully discussed in House Report 97–711.

Section 10 provides for consideration, under the Color-of-Title Act, of claims for a tract of land in Livingston Parish, Louisiana, although the tract is larger than 160 acres. This measure was passed (H.R. 5785, section 1), on September 30, 1982, but was not acted on by the

Senate. The background and terms of this section are more fully discussed in House Report 97–895 and Senate Report 97–555.

Section 11 provides for the conveyance of all Federal right, title, and interest of the United States in a tract of National Forest land in Tulare County, California, to the occupants thereof. If the persons claiming ownership of land within the boundaries described in subsection (b) provide the Secretary with such proof of title as he may deem adequate within 5 years after the date of the enactment of this Act. A similar provision was passed by the House on September 30, 1982 as part of H.R. 5785, but was not acted on by the Senate. The background and terms relating to parcel B are discussed more fully in House Report 97–895.

Section 12 adjusts the boundaries of two national forests in Colorado. Its effect would be to transfer certain BLM and Bureau of Reclamation lands to National Forest status, and to transfer certain National Forest lands for management by BLM. The section incorporates recommendations of an interagency study intended to consolidate land management. This measure was passed by the House (as H.R. 3433) on December 15, 1981, but was acted on by the Senate. The background and terms of this section are discussed more fully in House Report 97–360. As passed by the House, March 8, 1983, Section 14 of H.R. 1213 includes an amendment to subsection (g) which addresses the status of some areas which on December 15, 1981, were classified as wilderness study areas by the Bureau of Land Management, but which were included among areas whose wilderness study status was the subject of Administration adjustments in December 1982. The intent of subsection (g) is to provide specific Congressional direction that all parts of the specified areas be subject to continued study as to their suitability or nonsuitability for preservation as wilderness. Appropriate reports to Congress concerning the results of such study must be provided and appropriate interim management provisions on use be in place pending final decisions about the areas.

Section 13 is self-explanatory.

Section 14 makes amendments to Title 31 of the United States Code in Sections 6901 and 6903 regarding payments in lieu of taxes and contains a provision insulating the United States from liability or any cause of action for distribution of payments made under the Act of October 20, 1976, prior to January 1, 1983.

Cost and Budgetary Considerations

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

U.S. Congress,
Congressional Budget Office,
Washington, D.C., May 16, 1983.

Hon. James A. McClure,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the

attached revised cost estimate for H.R. 1213, the Public Lands and National Parks Act of 1983.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

JAMES BLUM
(For Alice M. Rivlin, Director).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

MAY 16, 1983.

1. Bill number: H.R. 1213.
2. Bill title: Public Lands and National Parks Act of 1983.
3. Bill status: As amended and ordered reported by the Senate Committee on Energy and Natural Resources, May 13, 1983.
4. Bill purpose: This bill authorizes the Secretary of the Interior to add to the Effigy Mounds National Monument by acquiring specific lands by exchange. It also increases the amount of funds authorized to be appropriated for land acquisition and other purposes for five national park facilities.

The bill amends the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations and further borrowing for fiscal years 1983–1988, releases certain restrictions contained in a previous conveyance of land to the State of Florida and allows the State of Florida to purchase the mineral interests of the United States in such land. The bill exempts a certain parcel of land in Livingston Parish, Louisiana from acreage restrictions contained in the Color of Title Act. In addition, the bill conveys federal interests in a certain parcel of land in Sequoia National Forest and adjusts the boundaries of the San Juan and San Isabel forests in Colorado with lands administered by the Bureau of Land Management and the Bureau of Reclamation in Colorado. Lastly, the bill amends Title 31 of the United States Code regarding payments to entitlement lands.

5. Estimated cost to the Federal Government:

	Millions
Estimated authorization level:	
Fiscal year:	
1984	$54.0
1985	11.0
1986	9.0
1987	3.0
1988	3.0
Estimated outlays:	
Fiscal year:	
1984	44.0
1985	20.0
1986	9.0
1987	4.0
1988	3.0

The costs of this bill fall within budget functions 300 and 450.

Basis of estimate.—For the purposes of this estimate it is assumed that the full amounts authorized will be appropriated prior to the start of each fiscal year. The provisions of the bill concerning the exchange of land for the Effigy Mounds National Monument are not expected to result in any significant cost to the government.

The authorization level for park facilities expansion was calculated by subtracting the existing statutory authorization ceiling for land acquisition from the amount specified for that purpose in the bill. (The estimate does not include the $9.9 million authorized for the Cape Cod National Seashore and Perry's Victory International Peace Monument, which was already appropriated for 1983 in Public Law 97–394.) Outlays were estimated based on acquisition and settlement plans of the Park Service.

H.R. 1213 also authorizes an increase in borrowing authority of $20 million for the Pennsylvania Avenue Development Commission (PADC). However, the Reconciliation Act of 1981 limits total appropriations for programs of the PADC to $19.5 million for 1983 and $19.3 million for 1984. In view of the funding requirements to other PADC activities (including the salaries and expenses authorized in this bill), it was assumed for the purpose of this estimate that approximately $7–$11 million in borrowing authority could be appropriated in each of the fiscal years 1984 through 1986. Outlays are projected to occur primarily between 1985 and 1988.

The bill also authorizes $3.25 million a year for fiscal years 1984 through 1988 for PADC's operating and administrative expenses. Based on historical patterns, it has been assumed that 90 percent of each year's appropriation would be spent in the first year with the remainder spent in the following year.

Section 11 of the bill removes restrictions on the use and transfer of approximately 0.7 acres of land in Florida and conveys all mineral interests in these lands to the State of Florida in order to allow a land exchange between the state and private landholders. Under the provisions of the bill the restrictions on the land currently held by the state are to be placed on the land to be received in the exchange. The bill makes provisions for intermediary conveyance of land to the federal government but specifies that all administrative costs of the exchange are to be borne by the state. Therefore, no significant additional costs will be incurred as a result of this provision.

Section 12 of the bill exempts a parcel of land in Livingston Parish, Louisiana from a provision in the Color of Title Act which restricts patents filed under that act to 160 acres per parcel. Based on information from the Bureau of Land Management, no significant cost is expected to be incurred by the federal government as a result of enactment of this provision.

The bill also provides for the conveyance of lands in the Sequoia National Forest to correct surveying errors. Based on information from the Forest Service no additional costs will be incurred to the federal government as a result of this provision. Additionally, the bill provides for the consolidation of lands in the San Juan and San Isabel Forests with lands administered by the Bureau of Land Management and the Bureau of Reclamation in Colorado in order to more efficiently manage those lands. Based on information from the Forest Service, no additional costs are anticipated to be incurred by the federal government as a result of enactment of this section of the bill. The bill also amends Title 31 of the United States Code regarding the determination of what unit of local government is defined as principal provider of governmental services. Based on information from the Bureau of Land Management, no additional costs are anticipated to

be incurred by the federal government as a result of enactment of this section of the bill.

6. Estimated cost to State and local governments: This bill will have no significant impact on the budgets of state and local governments.

7. Estimate comparison: None.

8. Previous CBO estimate: On March 2, 1983, CBO prepared a cost estimate for H.R. 1213, as ordered reported by the House Committee on Interior and Insular Affairs, February 23, 1983. That version contained several provisions not included in this one, resulting in a slight difference in estimated outlays.

On May 16, 1983, CBO prepared an estimate for H.R. 1213, as amended and ordered reported by the Senate Committee on Energy and Natural Resources, May 13, 1983. That estimate of the bill incorrectly assumed permission of additional authorizations for fiscal year 1983 which is specifically prohibited by Section 13 of the bill.

9. Estimate prepared by: Mary Ann Curtin.

10. Estimate approved by:

C. G. NUCKOLS
(For James L. Blum,
Assistant Director for Budget Analysis).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out the provisions of H.R. 1213:

H.R. 1213 Act is not a regulatory measure in the sense that it would involuntarily impose Government established standards or significant economic responsibilities on private individuals and businesses. No significant additional paperwork will be required as a result of this Act, and no personal information would be collected in administering its provisions. Therefore there will be no impact on personal privacy from enactment of the Act.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Departments of Agriculture and the Department of the Interior setting forth Executive agency recommendations relating to H.R. 1213 is set forth below:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., March 29, 1983.

Hon JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 1213, a bill "To amend certain provisions of law relating to units of the national park system and other public lands, and for other purposes."

Sections 13 and 14 of H.R. 1213 affect National Forest System lands. The Department of Agriculture opposes enactment of section 13 and recommends that it be deleted; we recommend that section 14 be

enacted. We defer to the views of the Department of the Interior on the remaining provisions of the bill.

Section 13 would resolve conflicts over portions of the boundary of the Sequoia National Forest in Tulare County, California. It would require the Secretary of Agriculture to convey all right, title, and interest in two parcels of the National Forest to certain owners of adjoining private lands. The land described in the bill as Parcel A lies near the Hartland Subdivision, a community within the National Forest. Parcel B is several miles distance from Parcel A and adjoins property owned by Ms. Betsy Murphy. The two parcels would be conveyed to those persons submitting a written application to the Secretary of Agriculture within 5 years after enactment along with appropriate proof of title.

The conflict involving Parcel A arose in 1981, when the Forest Service resurveyed the National Forest boundary which adjoins the Hartland Subdivision. This survey reestablished through recovered evidence the corners that were established by the General Land Office (GLO) survey made in 1883. A true line surveyed between these recovered corners established the boundary and revealed an encroachment by the adjoining owners. The private land had been surveyed in 1923 only to delineate lots in the Hartland Subdivision. The 1981 survey revealed that the private survey had been run in a cardinal direction instead of along the GLO line, thus creating the error. Seven property owners are affected, five of whom have constructed improvements on the Federal land. Approximately 0.42 acre of Federal land is involved.

Special legislation to resolve the Parcel A conflict is not necessary. Public Law 97–465, approved by the President on January 12, 1983, and referred to as the "Small Tracts Act," provides a general authority to resolve disputes involving encroachments on the National Forests when such encroachments, or innocent occupancy, are due to a faulty survey, or erroneous title search or land description. The circumstances involving the Hartland Subdivision are such that this matter can be handled under P.L. 97–465.

A 1979 Forest Service survey revealed the conflict involving Parcel B. That survey retraced a 1972 private survey which accurately located and retraced an 1881 GLO line. Improvements occupied and used by Ms. Murphy, consisting of about two-thirds of her home, the access road, a well, and a garden are in trespass on the National Forest. The property was acquired by Ms. Murphy in 1973, although the house has been in existence for about 40 years. Ms. Murphy's deed for the property describes no Federal land. Less than 1 acre of Federal land is involved.

We would like to point out that Parccel B is located several miles from Parcel A and thus is not a part of the Hartland Subdivision as language in the section would indicate. We do not believe that Parcel B meets the criteria of the Small Tracts Act. Both the 1979 Federal survey and the 1972 private survey are correct and conform to the location of the 1881 GLO survey. Further, there were no errors in the title search or legal description of the property. The house and subsequent oppose the approach proposed to resolve the Parcel B conflict. We improvements were apparently built in the wrong place. Thus, we believe the matter can best be handled through administrative action.

This would involve the issuance of a special use permit authorizing occupancy of the Federal land for a specified period, perhaps a life occupancy. We also suggest, inasmuch as the Federal land is occupied in trespass, conveyance without consideration, as is provided for in this section, would not be appropriate.

Section 14 of H.R. 1213 would modify the boundaries of the San Juan and San Isabel National Forests in Colorado in order to consolidate intermingled and adjacent lands administered by the Forest Service, the Bureau of Land Management, and the Bureau of Reclamation. About 25,500 acres of public lands administered by the Bureau of Land Management would be transferred to the jurisdiction of the Forest Service. About 31,600 acres of National Forest System land in three areas would be transferred to the jurisdiction of the Bureau of Land Management. Lands totaling about 9,000 acres and acquired by the Bureau of Reclamation for construction of the McPhee Reservoir, a part of the Dolores River Project, would be transferred to Forest Service jurisdiction. A more detailed description of the 11 areas involved is enclosed.

The National Forest boundary modifications are supported by a joint Forest Service-Bureau of Land Management study made in 1978. That study found that management efficiencies could result from the consolidation. The transfers would permit the National Forest boundaries to coincide more closely with water courses, topography, natural landscape features and existing and potential land uses. The proposed boundaries have been drawn to minimize the inclusion of private land within the National Forest boundary, and would not require the acquisition of any private land. Local governments support the proposed transfers of jurisdiction.

This section provides that persons or groups holding permits, easements, rights-of-way or leases would not be adversely affected by the transfers of jurisdiction. Terms and conditions of the authorization would be administered by the agency acquiring jurisdiction. Renewal would be under the terms of the acquiring agency, and the transfer of jurisdiction would not be cause to deny renewal of any authorization.

This section also provides that the Forest Service study for wilderness suitability those Bureau of Land Management lands occurring in Area 3 which are currently designated as wilderness study areas. Four study areas are involved. We are required to study an adjacent National Forest area—the West Needle Study area—under the provisions of the Colorado Wilderness Act of 1980. Lands added to the National Forest System would normally be examined for their full range of resources and potential uses under the planning process prescribed by the National Forest Management Act. However, because the lands are adjacent to the study area on one side and an existing wilderness on the other, we would have no objection to expanding the present study to include the four areas as is proposed in this section.

We strongly support the transfer of lands between the three agencies as provided for in this section. The transfers represent a direction in which we expect to be moving in the future. The Forest Service and Bureau of Land Management are currently looking at opportunities in all 11 Western States to make exchanges of jurisdiction over Federal lands to achieve efficiency and economy of administration. We expect to propose other such transfers.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD E. LYNG,
Acting Secretary.

Enclosure.

USDA SUPPLEMENTAL STATEMENT ON H.R. 1213

Description of areas to be transferred from Bureau of Land Management to Forest Service jurisdiction

The first area, referred to on the map as "Dolores River Above Bradfield Ranch," comprises about 4,445 acres of Bureau of Land Management lands and is adjacent on the north and east to intermingled National Forest and private lands and on the west and south to private lands. The lands involved lie along the Dolores River and have physical characteristics similar to adjacent National Forest lands. About one-third of these lands and adjacent National Forest lands are withdrawn for the Bureau of Reclamation's Dolores Project (McPhee Dam and Reservoir). Upon completion of this project as planned, the proposed transfer of lands would eliminate intermingled and overlapping administration of lands surrounding the reservoir. This area also includes additional lands acquired or to be acquired by the Bureau of Reclamation for the dam and reservoir and which will be transferred to the jurisdiction of the Forest Service. These total about 9,000 acres.

The second area, labeled on the map as "Mancos Hill," comprises about 40 acres and is isolated from other Bureau of Land Management-administered lands. It lies adjacent to National Forest lands with similar characteristics and resource values.

The third area, labeled "Animas River," includes about 13,109 acres and is surrounded on three sides by National Forest System lands. Uses of these lands are similar; recreational uses are prominent. The proposed transfer would result in a Forest Service-administered area adjacent to the Weminuche Wilderness which should facilitate control of motorized vehicle use near the wilderness.

The fourth area, labeled "Lemon Reservoir," comprises about 5,899 acres of Bureau of Land Management-administered land situated within an indentation of the present National Forest boundary. These lands and the adjacent National Forest lands experience a relatively high annual forest fire occurrence. The proposed transfer would improve coordination of fire control action by aligning administrative jurisdictions with readily identifiable topographic features. It would also place all of a grazing allotment to one individual, presently administered by the Bureau of Land Management, under the jurisdiction of the Forest Service. Included in this area are about 2,039 acres of National Forest land outside of the present boundary which surround Lemon Reservoir. This land was transferred to the Forest Service in 1967 by the Bureau of Reclamation following completion of the reservoir.

The fifth area, labeled "Haystack Mountain," includes 680 acres. This land and the adjacent National Forest lands are devoted pri-

marily to wildilfe habitat protection. The proposed transfer would permit more efficient application of management practices.

The sixth area, labeled "Pagosa Springs," comprises about 516 acres in a single tract and joins National Forest land on the north and east. Legal access to the tract is through the National Forest lands only.

About 394 acres, labeled "Navajo River," are included in the seventh area. The tract contains a primitive campground on the Navajo River which provides the only public access for over 25 miles. Access to adjacent National Forest lands to the north is through this area.

The eighth area is adjacent to the San Isabel National Forest and comprises about 476 acres in a single tract. The lands in this area are devoted primarily to recreational uses (skiing). The proposed transfer would facilitate management of this resource.

Description of areas to be transferred from Forest Service to Bureau of Land Management jurisdiction

The ninth area, referred to on the map as "Dolores River Below Bradfield Ranch," includes about 22,717 acres in the San Juan National Forest. Bureau of Land Management lands border on the north, west and south. A steep canyon rim on the east side of the Dolores River effectively isolates these lands from other National Forest lands above them. This rim would become the new boundary of the San Juan National Forest. Access to this land is through the Bureau of Land Management-administered lands. The land supports multiple uses typical of the adjoining BLM lands. Three grazing permittees who utilize these lands also utilize the adjacent BLM lands. Uranium exploration companies are active on both ownerships.

The tenth area, included in the area labeled "Mancos Hill," contains about 563 acres. These lands are joined on three sides by private and State lands, effectively isolating them from National Forest lands. Possible land exchanges with the State and private owners in the area have been identified by BLM which would consolidate their land holdings to the south. These lands provide the access to nearby BLM lands.

The eleventh area, included in the area labeled "Animas River," includes 8,327 acres adjacent to Bureau of Land Management-administered lands to the west and north. It is in the same area as the third BLM to Forest Service proposed transfer. Primary uses of these lands and the adjacent BLM lands are the same and include mining exploration and development, recreation, and sheep grazing. Access to these lands is through the adjacent BLM lands.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 11, 1983.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 1213, an act "To amend certain provisions of law relating to units of the national park system and other public lands, and for

other purposes." This report replaces our previous report to you, which commented on H.R. 1213 as introduced.

Section 2 of H.R. 1213 authorizes a simple land exchange at Effigy Mounds National Monument, Iowa. This section of H.R. 1213 is identical to S. 473, which passed the Senate March 2, 1983. The Department continues to support this provision. It is basically an equal value exchange with a neighboring landowner, and will improve administration of the monument.

Section 3 provides that the Secretary of the Interior is authorized to acquire the Harry S Truman residence and real property by donation, purchase with donated or appropriated funds, transfer from another Federal agency, or otherwise. The Secretary may also acquire personal property in connection with the residence. Further, this area is to be known as the "Harry S Truman National Historic Site" and be administered as a unit of the National Park System. H.R. 1213 also authorizes the appropriation of such sums as may be necessary to carry out these provisions.

The Harry S Truman home was declared a National Historic Site on December 8, 1982, by Secretary Watt. Twenty-seven Presidential residences are now in the National Park System. Enactment of section 3 of H.R. 1213 would authorize the expenditure of funds for development for the Truman home, and we strongly support its provisions.

The Harry S Truman home in Independence is an outstanding reflection of the man. Built about 1867 by Mrs. Truman's grandfather, the Trumans made this white frame house their home when they were married in 1919. During the Truman Presidency, the home became the "summer White House." This architecturally interest house is asymmetrical in design and combines several late 19th century styles. An astounding number of personal possessions of Harry S and Bess Wallace Truman are contained throughout the 2½ story, 14-room house. Recent visitors have characterized the house as appearing as if the Trumans were just out for the afternoon.

In the short time since similar legislation was introduced in the last Congress, we have begun a preliminary assessment of development and rehabilitation costs. We will prepare an historic structure report which will address both long- and short-range maintenance and rehabilitation needs. We already understand that the electrical wiring is not in good shape and needs to be replaced.

Under the terms of Bess Wallace Truman's will, the Harry S Truman home is donated to the United States provided that the area above the first floor not be available to the public during the life of Margaret Truman Daniel, the Truman's daughter, and that Mrs. Daniel be permitted to occupy the residence for one week of each calendar year. This legislation recognizes that provisions can be made for Mrs. Daniel in section 3(b).

Section 4 of H.R. 1213 would amend section 9 of the Act of August 7, 1961, providing for the establishment of Cape Code National Seashore, by raising the ceiling on appropriations for land acquisition from $33,500,000 to $42,917,575. This increase would reflect the appropriation by the 97th Congress of $5.5 million for anticipated condemnation awards at Cape Cod, plus $3,971,575 previously expended under the authority of P.L. 95–42. We have no objection to this provision.

Section 5 of H.R. 1213 would increase the ceiling at Cape Lookout National Seashore, North Carolina, from $7,903,000 to $13,903,000. This ceiling would cover appropriations already made by the 97th Congress in the amount of $2 million, plus $4 million contained in our fiscal year 1984 recommendations for appropriation to pay anticipated condemnation awards. We support the enactment of this provision.

Section 6 of H.R. 1213 would increase the ceiling on appropriations for land acquisition at Sleeping Bear Dunes National Lakeshore, Michigan, from $66,153,000 to $82,149,558. In the 97th Congress, we recommended an increase of $8.4 million to cover our fiscal 1983 budget request for anticipated condemnation awards. The 97th Congress did, in P.L. 97–361, increase the ceiling by $8.4 million to a new ceiling of $66,153,000. This increase did not take into account the $3,996,558 expended under the authority of P.L. 95–42, which effectively raised the expenditures against ceiling to $70,149,558. This fiscal year we are requesting an additional $12 million for anticipated condemnation awards. Therefore, we support this further increase in the ceiling for appropriations for land acquisition at Sleeping Bear Dunes in the amount of $12 million, for a new ceiling of $82,149,558.

Section 7 of H.R. 1213 would increase the ceiling for appropriations for land acquisition by $25 million at Congaree Swamp National Monument, South Carolina. The existing ceiling was established at $35,500,000 in section 5 of the Act of October 18, 1976. The entire amount authorized has been expended or obligated. The fiscal year 1984 budget recommendation of the Department of the Interior contains $25 million for land acquisition at Congaree to cover anticipated deficiencies from previously filed condemnation court cases. Therefore, we support the enactment of a new ceiling of $60,500,000 for Congaree Swamp.

Section 9 of H.R. 1213 would increase the statutory ceiling on appropriations for development at Perry's Victory and International Peace Memorial, Ohio, from $9,327,000 to $9,825,000—an increase of $498,000. The 97th Congress appropriated the necessary funds for the developments envisioned by this increase, and we have no objection to this provision.

Section 11 of H.R. 1213 would convey to the State of Florida the right of reverter and the mineral interests of the United States in approximately sixty-nine hundredths (0.69) of an acre of land previously conveyed as part of a patent to the State of Florida and part of a patent to the Florida Board of Forestry and Parks. The conveyance of the reverter and mineral rights in that tract would be effective upon conveyance to the United States of marketable title to approximately 1.10 acres of land in Bay County, Florida, in fee simple absolute, free and clear of all liens and encumbrances, except those acceptable to the Secretary of the Interior. Immediately upon receipt of title to the 1.10 acres, the Secretary of the Interior would be required to convey the 1.10 acres to the State of Florida, reserving to the United States a right of reverter and all mineral interests.

We have no objection to enactment of section 11 of H.R. 1213. The State-owned lands described in this section are part of two parcels of land conveyed to the State of Florida by the United States under the Recreation and Public Purposes Act, through two patents issued July 26, 1948. The patents provide that the land will revert to the

United States upon a finding by the Secretary that for a period of five years the land has not been used for park or recreational purposes or that the land or any part thereof is being diverted to other use. The land conveyed by the patents now comprises a part of the St. Andrews State Recreation Area.

We have been advised that the owner of lands adjacent to the park, Venture Out of America, Inc., inadvertently encroached upon approximately 13 feet of 0.69 of an acre within the west boundary of the Recreation Area. To rectify this, Venture Out offered to give the State 1.10 acres of its land adjacent to the Park in exchange for that portion of the recreation area being encroached upon. The State agreed to this proposal, but cannot complete the exchange and convey the tract because of the reverter provision in the patents. The State sought a waiver of the reverter provision but the Secretary of the Interior does not have the authority to waive those provisions.

The United States presently has the right of reverter and the mineral interests in the 0.69 of an acre now owned by the State of Florida. If the transaction contemplated by section 11 is completed, the United States will have the right of reverter and the mineral interests in the 1.10 acres of land to be acquired by the State. All administrative costs of the exchange would be paid by the State. We have no objection to enactment of this section because it would relieve this situation by allowing the State to make the exchange, subject to the reverter provision. At the same time, the Federal Government's interest will be protected since it will retain the mineral rights and the right of reverter in the 1.10 acres.

Section 12 provides that the 160-acre limitation of the Color-of-Title Act shall not apply to a claim filed under the Color-of-Title Act for a patent to a parcel of land in Louisiana that is described in H.R. 1213. All other provisions of the Color-of-Title Act would apply to any claim for a patent for the described parcel of land.

We have no objection to enactment of section 12. The land described in section 12 comprises approximately 640 acres. The parcel was the subject of a private land claim by William Dennis in the early 1800s. The Dennis claim was included in a report on land claims west of the Pearl River that was transmitted to the United States Senate on January 3, 1821. The report described the claim as only "partially improved." Apparently, the claim was not confirmed. In 1864, the claim was before Congress again. It appears that the claim did not meet the requirements for confirmation established by Congress under the Act of August 6, 1846. In 1913, legislation to confirm a number of land claims, including the Dennis claim, was introduced in Congress but was not enacted.

A thorough search of Bureau of Land Management records has failed to reveal a patent for the involved lands. Since no evidence exists that the claim was ever confirmed by the Congress or patented, the land remains part of the public domain and legal title resides in the United States. The current claimants to the land appear to have acquired it in good faith and to have paid taxes on it and otherwise maintained it as lawful owners. The claimants include the Georgia Pacific Corporation, which uses approximately 270 acres of the 640-acre parcel, the Crown-Zellerbach Corporation, which uses approximately 280 acres, and several private individuals.

The Color-of-Title Act provides the usual remedy to claimants asserting ownership of Federal land under circumstances such as those involved in this case. Claimants meeting the requirements established in the Act may receive a patent for a maximum of 160 acres upon payment of compensation to the United States for the land, taking into account the equities of the claimant.

Patents issued under the Color-of-Title Act reserve to the United States the minerals in the involved lands, unless the claimant requests that the minerals not be reserved, and if the claimant can satisfactorily demonstrate that all other requirements of the Act have been met and that the lands are not within a mineral withdrawal or subject to an outstanding lease. The lands involved in section 12 are not within such a withdrawal nor are they subject to a mineral lease. Section 12 would merely provide for waiving the 160-acre limitation of the Color-of-Title Act to allow the heirs and assigns of William Dennis to apply for a patent under the Act. Adjudication of a claim under the Color-of-Title Act would resolve the issue of their compliance with other requirements of the law to obtain title to land held in adverse possession. In addition, the Color-of-Title Act provides for compensation to the United States. For these reasons, we have no objection to section 12 of H.R. 1213.

Section 14 of H.R. 1213 would adjust the boundaries of the San Juan and San Isabel National Forests in Colorado to consolidate the lands in those forests, as well as lands administered by the Bureau of Land Management (BLM) and lands acquired by the Bureau of Reclamation as part of the McPhee Dam and Reservoir. The stated purpose of the adjustment is to improve the efficiency of the administration of the lands by the respective agencies. Approximately 25,559 acres of lands administered by BLM would be transferred to the jurisdiction of the Forest Service, and administered in accordance with laws, rules, and regulations applicable to the National Forest System. Approximately 31,607 acres of National Forest System lands would be transferred to the jurisdiction of the Secretary of the Interior and administered in accordance with the laws, rules, and regulations applicable to public lands, as defined in section 103(e) of the Federal Land Policy and Management Act (FLPMA).

Notwithstanding the modification of boundaries, lands administered by the Bureau of Reclamation that fall within the boundaries of the San Juan National Forest would continue under the jurisdiction of the Secretary of the Interior until the Secretary of the Interior, by agreement with the Secretary of Agriculture, transfers them to the Department of Agriculture, at which time they would be administered under the laws, rules, and regulations of the National Forest System.

The modified boundaries of the San Juan and San Isabel National Forests would be treated as if they were the boundaries of those forests on January 1, 1965, for purposes of section 7 of the Land and Water Conservation Fund Act of 1965. That section provides for the acquisition of land, waters, or interests in land or waters for the National Forest System, National Park System, and the National Wildlife Refuge System.

The transfer of administrative jurisdiction of these Federal lands would not affect valid existing rights or interests in existing land use authorizations. The agency acquiring jurisdiction of the land would

be responsible for administering such rights or authorizations. Reissuance of the authorization would be in accordance with applicable law and regulations of that agency. However, the transfer of administrative jurisdiction could not constitute a ground to deny the renewal or reissuance of the authorization.

Those parts of BLM Wilderness Study Areas (Needle Creek, West Needles Contiguous, Whitehead Gulch, and Weminuche Contiguous) contained within area 3 (Animas River) that are made a part of the National Forest System by this Act would be required to be studied in conjunction with the West Needles Wilderness Study Area, as provided in section 105 of the Colorado Wilderness Act of 1980. That section requires that the Secretary of Agriculture report to the Congress by December 31, 1983, concerning the suitability or nonsuitability for inclusion in the National Wilderness Preservation System of the lands studied. The part of the wilderness study areas that would remain under the Bureau of Land Management would continue to be reviewed under the provisions of section 603 of FLPMA.

Section 14(g) deals with all or part of two BLM wilderness study areas (WSA) and two former BLM WSAs. Although this subsection refers to four WSAs, two are no longer WSAs. Needle Creek and Weminuche Contiguous were deleted from WSA status on December 30, 1982, because each is less than 5,000 acres and therefore do not qualify for wilderness study under section 603 of FLPMA. However, on March 17, 1983. those two areas were designated for wilderness study under section 202 of FLPMA. If Needle Creek, Weminuche Contiguous and the two WSAs become part of the National Forest System, as provided in subsection (g), responsibility would be transferred to the Forest Service for completion of the wilderness studies of these particular lands. This can be readily accomplished because the Forest Service has had the lead role in the West Needles Contiguous wilderness study, and the other three areas are located in the same general vicinity. The BLM wilderness study of these three areas is near completion, and the results can easily be turned over to the Forest Service.

We support the provisions in section 14 of H.R. 1213.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

FRANK A. DUBOIS,
Deputy Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes the following changes in existing law which would be made by the Act, H.R. 1213 as reported. (Existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman.)

SECTION 9 OF THE ACT OF AUGUST 7, 1961

An Act to provide for the establishment of Cape Cod National Seashore

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SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act; except that no more than [$33,500,000] *$42,917,575* shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of this Act.

SECTION 8 OF THE ACT OF MARCH 10, 1966

An Act to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes

* * * * * * *

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed [$7,903,000] *$13,903,000 for acquisition of lands and interests* therein, of which no more than $1,000,000 may be expended for acquisition of lands owned by Core Banks Club Properties, Incorporated. For development of essential public facilities there are authorized to be appropriated not more than $2,935,000. On or before January 1, 1978, the Secretary shall develop and transmit to the Committee on Interior and Insular Affairs of the United States Congress a final master plan for the full development of the seashore consistent with the preservation objectives of this Act, indicating—

(1) the facilities needed to accommodate the health, safety and recreation needs of the visiting public;

(2) the location and estimated cost of all facilities; and

(3) the projected need for any additional facilities within the seashore.

SECTION 15 OF THE ACT OF OCTOBER 21, 1970

An Act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes

* * * * * * *

SEC. 15. There are authorized to be appropriated not more than [$66,153,000] *$82,149,558* for the acquisition of lands and interests in lands and not more than $18,769,000 (June 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

SECTION 5 OF THE ACT OF OCTOBER 18, 1976

An Act to authorize the establishment of the Congaree Swamp National Monument in the State of South Carolina, and for other purposes.

* * * * * * *

SEC. 5. (a) The Secretary may not expend more than [$35,500,000] *$60,500,000* from the Land and Water Conservation Fund for land acquisition nor more than $500,000 for the development of essential facilities.

(b) Within three years from the effective date of this Act the Secretary shall, after consulting with the Governor of the State of South Carolina, develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a general management plan for the use and development of the monument consistent with the purposes of this Act, indicating:

(1) the lands and interests in lands adjacent or related to the monument which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area in furtherance of the purposes of this Act, and the estimated cost thereof;

(2) the number of visitors and types of public use within the monument which can be accommodated in accordance with protection of its resources;

(3) the location and estimated cost of facilities deemed necessary to accommodate such visitors and uses.

SECTION 4 OF THE ACT OF OCTOBER 26, 1972

An Act to change the name of the Perry's Victory and International Peace Memorial National Monument, to provide for the acquisition of certain lands, and for other purposes.

* * * * * * *

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than $370,000 shall be appropriated for the acquisition of lands and interests and [not more than $9,327,000] *$9,825,000* shall be appropriated for development. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act.

SECTION 5 OF THE ACT OF JUNE 21, 1936

An Act to provide for the creation of the Perry's Victory and International Peace Memorial National Monument, on Put-in-Bay, South Bass Island, in the State of Ohio, and for other purposes.

* * * * * * *

[SEC. 5. Employees of the Perry's Victory Memorial Commission at the time of the enactment of this legislation, may, in the discretion of the Secretary of the Interior, be employed by the National

Park Service, in the administration, protection, and development of said national monument.]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION ACT OF 1972

* * * * * * *

SEC. 3. (a) There is hereby created a body corporate to be known as the Pennsylvania Avenue Development Corporation (hereinafter referred to as the "Corporation").

(b) The Corporation shall be dissolved upon completion, as determined by the Board of Directors, of its implementation of the development plan provided for in section 5 of this Act. Upon dissolution, assets remaining after all the obligations and indebtedness of the Corporation has been fulfilled and paid or satisfied shall be the assets of the United States.

(c) The powers and management of the Corporation shall be vested in a Board of Directors consisting of fifteen members, as follows:

(1) The Secretary of the Interior;

(2) The Secretary of the Treasury;

(3) The Secretary of Housing and Urban Development;

(4) The Secretary of Transportation;

(5) The Administrator of General Services;

(6) The Mayor of the District of Columbia;

(7) The Chairman, Council of the District of Columbia;

(8) Eight, at least four of whom shall be residents and who are registered voters of the District of Columbia, appointed by the President from private life, who shall have knowledge and experience in one or more fields of history, architecture, city planning, retailing, real estate, construction, or government.

(d) Each member of the Board of Directors specified in paragraphs (1) through (7) of subsection (c) may designate another official to serve on the Board in his stead if unable to serve in person.

(e) Each member of the Board of Directors appointed under paragraph (8) of subsection (c) shall serve for a term of six years from the expiration of his predecessor's terms; except that (1) any Director appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the Directors first taking office shall begin, on the date of the enactment of this Act, and shall expire as designated at the time of appointment, two at the end of two years, two at the end of four years, and four at the end of six years. A Director may continue to serve until his successor has qualified.

(f) The President shall designate a Chairman and a Vice Chairman from among the members of the Board of Directors, chosen from private life.

(g) The Chairman, upon his appointment, shall invite to serve on the Board of Directors as nonvoting members the following:

(1) The Chairman of the Commission of Fine Arts;

(2) The Chairman of the National Capital Planning Commission;

(3) The Secretary of the Smithsonian Institution;

(4) The Director of the National Gallery of Art;

(5) The Architect of the Capitol;
(6) The Archivist of the United States;
(7) The Chairman of the District of Columbia, Commission on the Arts; and
(8) The Director of the District of Columbia Department of Housing and Community Development.

(h) Members of the Board of Directors who are officers or employees of the Federal or District of Columbia government shall receive no additional compensation by virtue of their membership on the Board. Other members of the Board, when engaged in the activities of the Corporation, shall be entitled to receive compensation at the daily equivalent of the rate for GS–18 of the General Schedule, and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703(b)–(d) and 5707) for persons in the Government service employed intermittently.

(i) The Board of Directors shall meet at the call of the Chairman, who shall require it to meet not less often than once each three months. A majority of voting members of the Board of Directors (or their designated alternates) shall constitute a quorum.

(j) There shall be established a nonvoting Advisory Board of seven members appointed by the Chairman from among tenants and owners of real property within the development area. The Advisory Board shall meet at least twice annually with the Board of Directors, and shall otherwise offer such advice and assistance as may be of benefit to the Board of Directors during preparation of the development plan.

* * * * * * *

SEC. 5. (a) The development plan for the development area shall include, but not be limited to: (1) the types of uses, both public and private, to be permitted; (2) criteria for the design and appearance of buildings, facilities, open spaces, and other improvements; (3) an estimate of the current values of all properties to be acquired; (4) an estimate of the relocation costs which would be incured in carrying out the provisions of section 8 of this Act; (5) an estimate of the cost of land preparation for all properties to be acquired; (6) an estimate of the reuse values of the properties to be acquired; (7) a program for the staging of a proposed development, including a detailed description of the portion of the program to be scheduled for completion by 1976; (8) a determination of the marketability of such development; (9) an estimate of the development costs, both public and private; (10) a thorough study of the economic impact of such development, including the impact on the local tax base, the metropolitan area as *a* whole, and the existing business activities within the development area; and (11) the procedures (including both interim and long-term arrangements) to be used in carrying out an insuring continuing conformance to the development plan.

(b) The development plan provided for in subsection (a) shall be prepared with the [Cooperation] *cooperation* of the Department of the Interior, the General Services Administration, and the District of Columbia government with the maximum feasible use of their staffs and other resources on a reimbursable basis by the Corporation.

(c) After the development plan has been completed and approved by the Board of Directors of the Corporation, it shall be submitted to the Secretary of the Interior and the Mayor of the District of Columbia. The Secretary of the Interior, within ninety days, shall notify the Corporation of his approval or recommended modifications from the standpoint of the compatibility of the plan with his responsibilities for the administration, protection, and development of the areas within the Pennsylvania Avenue National Historic Site. The Mayor of the District of Columbia, within ninety days, shall consult with the National Capital Planning Commission, shall hold public hearings on the plan, and shall notify the Corporation of his approval or recommended modifications: *Provided*, That in the event that the Secretary of the Interior or the Commissioner of the District of Columbia has not notified the Corporation of his approval or recommended modifications of the plan within ninety days after the date of submission, he shall be deemed to have approved the plan.

(d) In the event the Secretary of the Interior or the Mayor of the District of Columbia has recommended modifications of the plan, the Corporation within one hundred and twenty days of the original submission of the plan shall consult with them regarding such modifications and shall prepare a development plan which shall be transmitted to the President of the Senate and the Speaker of the House of Representatives.

If the Secretary of the Interior or the Commissioner [Mayor] of the District of Columbia has not approved the development plan, the transmittal shall include a specification of the areas of difference, the modifications suggested by the Secretary of the Interior or the Commissioner of the District of Columbia and the views of the Corporation thereon. Following the expiration of sixty legislative days after the date of such transmittal, the Corporation may proceed with the execution and implementation of the plan unless between the date of transmittal and the end of the sixty legislative day period, either the Senate or the House of Representatives passes a resolution in opposition to the development plan.

(e) (*1*) Activities under the development plan shall be carried out in accordance with the approved development plan.

(*2*) The Corporation may alter, revise, or amend the plan, but any such alteration, revision, or amendment which is a substantial change from the approved development plan shall take effect only upon compliance with the procedures set forth in subsections (c) and (d) of this section. For the purposes of this subsection, the term "substantial change" shall mean one involving a major alteration in the character or intensity of an existing or proposed use in the development area which in the opinion of the Corporation causes an increase or decrease of 10 per centum or more of the dollar amount of the estimate prepared in accordance with subsection (a) (9) of this section, or one which, in the opinion of the Secretary of the Interior, affects his responsibilities for the administration, protection, and development of the areas within the Pennsylvania Avenue National Historic Site.

(3) Any alteration, revision, or amendment of the plan and any other action taken by the Corporation which is not a substantial change in the plan within the meaning of paragraph (2) but—

(A) which is a significant change in the plan, or which is another significant action taken by the Corporation, and

(B) which relates to housing, any major structure, historic preservation, parks, office space, or retail uses, within the development area

shall not take effect until 30 days after notice of such change or other action has been submitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate, unless prior to the expiration of such 30 day period each of such committees notifies the Corporation in writing that the committee does not object to such change or other action. Such notice to the committees shall include an explanation of the reasons why the change or other action is proposed and a summary of any recommendations received by the Corporation from the Secretary of the Interior, the Mayor of the District of Columbia, or from any other interested agency, organization, or individual.

(f) To avoid duplication and unnecessary expense the Corporation shall, to the maximum feasible extent in conducting its operations, utilize the services and facilities of other agencies, including the Department of the Interior, General Services Administration, the National Capital Planning Commission, and the District of Columbia government.

SEC. 6. In carrying out its powers and duties, the Corporation—

(1) shall have all necessary and proper powers for the exercise of the authorities vested on it;

(2) shall have succession in its corporate name;

(3) may adopt and use a corporate seal which shall be judicially noticed;

(4) may sue and be sued in its corporate name. All litigation arising out of the activities of the Corporation shall be conducted by the Attorney General;

(5) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised;

(6) may acquire lands, improvements, and properties within the development area by purchase, lease, donation, or exchange; may hold, maintain, use, or operate such properties; may sell, lease, or otherwise dispose of such real and personal property and any interest therein as the Corporation deems necessary to carry out the development plan; or may lease, repurchase, or otherwise acquire and hold any property which the Corporation has theretofore sold, leased, conveyed, transferred, or otherwise disposed of: *Provided*, That condemnation proceedings for the acquisition of real property, including interests therein, which may be necessary or appropriate in order to carry out the development plan, shall be conducted in accordance with the procedural provisions of chapter 13, subchapter IV, of title 6 of the District of Columbia Code: *Provided further*, That prior to acquiring any residential property there shall be a finding of assurance of adequate replacement housing consonant with the requirements of the Uniform Reloca-

tion Assistance and Real Property Acquisition Policies Act of 1970 (94 Stat. 1894).

(7) may enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation (including agreements with private utility companies with respect to the relocation of utility lines and other facilities in the development area) as may be deemed necessary or appropriate to the conduct of activities authorized under this Act;

(8) may establish (through convenants, regulations, agreements, or otherwise) such restrictions, standards, and requirements, as are necessary to assure development, maintenance, and protection of the development area in accordance with the development plan;

(9) shall seek authority from the Congress to borrow money by issuing marketable obligations, after obtaining proposals from at least three private financial analysts on the feasibility of private versus public financing of the Corporation, which proposals shall be transmitted to the Congress with the development plan as provided in section 5 of this Act;

(10) may borrow money from the Treasury of the United States in such amounts as may be authorized in appropriation Acts, but not to exceed [$100,000,000.] *$120,000,000.* Such borrowings from the Treasury shall have such maturities, terms, and conditions as may be agreed upon by the Corporation and the Secretary of the Treasury, but the maturities may not be in excess of forty years, and such borrowings may be redeemable at the option of the Corporation before maturity. Such borrowings shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the obligations of the Corporation. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury but any interest payment so deferred shall bear interest. Said obligations shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Corporation to issue obligations hereunder shall remain available without fiscal year limitation. The Secretary of the Treasury is authorized and directed to purchase any obligations to the Corporation to be issued under this paragraph and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction of the United States the proceeds from the sale of any securities issued under the Second Liberty Loan Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Loan Bond Act, as amended, are extended to include any purchase of the Corporation's obligations under this paragraph;

(11) may invest any funds held in reserve or sinking funds, or any moneys not required for immediate use or disburse-

ment, with the approval of the Secretary of the Treasury, in obligations of the United States Government, or obligations the principal and interest of which are guaranteed by the United States Government: *Provided*, That this authority shall not extend to moneys obtained by borrowing from the Government or through appropriations to the Corporation;

(12) may procure insurance against any loss in connection with its property and other assets and operations;

(13) may contract for and accept any gifts or grants or property or financial or other aid in any form from the Federal Government or any agency or instrumentality thereof, or from any State or agency or instrumentality thereof, or from any source, and comply subject to the provisions of this Act, with the terms and conditions thereof;

(14) may determine the character of and necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions and laws specifically applicable to wholly owned Government corporations;

(15) may prepare or cause to be prepared plans, specifications, designs, and estimates of cost for the construction, reconstruction, rehabilitation, improvement, alteration, or repair of any project, and from time to time may modify such plans, specifications, designs, or estimates;

(16) may acquire, construct, reconstruct, rehabilitate, improve, alter, or repair or provide for the construction, reconstruction, improvement, alteration, or repair of any project;

(17) may grant options to purchase any project or may renew any lease entered into by it in connection with any of its projects, on such terms and conditions as it may deem advisable;

(18) may manage any project, owned or leased by the Corporation, and may enter into agreements with the District of Columbia government or any agency or instrumentality thereof, or with any person, firm, partnership, or corporation, either public or private, for the purpose of causing any such project to be managed;

(19) shall request the Council of the District of Columbia, when required for implementation of the development plan, to close any street, road, highway, alley, or any part thereon in the development area. If the title to the street, road, highway, or alley so closed is in the United States, the Mayor of the District of Columbia shall convey the title to the land on behalf of the United States to the Corporation, without cost, except that the Corporation shall reimburse the District of Columbia for the administrative expenses of the action. If the title to the street, road, highway, or alley so closed is not in the United States, the Mayor shall convey title to the land on behalf of the District of Columbia to the Corporation, without cost, except that the Corporation shall reimburse the District of Columbia for the administrative costs of the action: *Provided*, That if the land would have reverted to a private abutting property owner under otherwise applicable law of the District of Columbia, the Corporation shall pay such owner the fair market value of the land that would have reverted to him.

(20) may transfer title to, interests in, or jurisdiction over real property which has been acquired by the Corporation and is to be devoted to public uses under the development plan, to any agency of the United States or the District of Columbia. Agencies of the United States or the District of Columbia may accept such transfers under this paragraph, and shall thereafter administer and maintain the property in accordance with the development plan and the terms of any transfer agreement. The Director of the National Park Service may transfer title to or interest in public reservations, roadways, spaces, or parks under his jurisdiction within the development area to the Corporation to facilitate implementation of the development plan; and, notwithstanding any other provision of law, the corporation may utilize such transferred property for any public or private development consistent with the plan.

(21) may utilize or employ the services of personnel of any agency or instrumentality of the Federal Government or of the District of Columbia, with the consent of the agency or instrumentality concerned, upon a reimbursable basis, or utilize voluntary or uncompensated personnel;

(22) shall publish and disseminate information and make known to potential users, by advertisement, solicitation, or other means, the availability for development of lands in the development area;

(23) may execute all instruments necessary or appropriate in the exercise of any of its functions under this Act, and may delegate to members of the Board or the Executive Director such of its powers and responsibilities as it deems appropriate and useful for the administration of the Corporation; and

(24) shall be entitled to the use of the United States mails in the same manner as the executive departments of the Government, and shall have all the rights, privileges, and immunities of the United States with respect to debts due from insolvent, deceased, or bankrupt debtors.

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SEC. 11. (*a*) The Corporation shall transmit to the President and the Congress, annually each January and at such other times, as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act.

(*b*) *Within 6 months after the date of the enactment of this subsection, the Corporation shall transmit to the Congress an estimate, for each fiscal year, of the additional funds which will be necessary for the Corporation to carry out the development plan through the fiscal year 1990. Such estimate shall include a detailed statement of the projects and other expenditures for which such funds are proposed to be used, together with an estimate of the projected costs thereof.*

(*c*) *The report submitted under subsection (a) shall include a detailed discussion of the actions the Corporation has taken within the reporting period to protect and enhance the significant historic and architectural values of structures within the boundaries of the Corporation's jurisdiction, and indicating similar actions it plans to*

take and issues it anticipates dealing with during the upcoming fiscal year related to historic and architectural preservation. Such report shall indicate the degree to which public concern has been considered and incorporated into decisions made by the Corporation relative to historic and architectural preservation.

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SEC. 17. (a) In addition to the sums heretofore appropriated, there are authorized to be appropriated for operating and administrative expenses of the Corporation $3,000,000 for the fiscal year ending September 30, 1979; $3,200,000 for the fiscal years ending September 30, 1980 and September 30, 1981; and $3,500,000 for the fiscal years ending September 30, 1982 and September 30, 1983. *There are further authorized to be appropriated for operating and administrative expenses of the Corporation sums not to exceed $3,250,000, each, for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988.*

(b) To commence implementation of the development plan authorized to section 5 of this Act, there are authorized to be appropriated to the Corporation through the fiscal years ending September 30, 1978, $38,800,000, for fiscal year 1979, $15,000,000, for fiscal year 1980, $35,000,000 for fiscal year 1981, $25,000,000 for fiscal year 1982, $30,000,000 and, for fiscal year 1983, $35,000,000. For the authorizations made in this subsection, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding years. Any amounts appropriated under this subsection shall remain available without fiscal year limitation. *Provided*, That appropriations made under the authority of this paragraph shall include sufficient funds to assure the development of square 225 as a demonstration area for the development plan, and shall assure the preservation of the structure now located on square 225 known as the Willard Hotel and its historic facade. No appropriations shall be made from the Land and Water Conservation Fund established by the Act of September 30[3], 1964 (78 Stat. 897, as amended, 16 U.S.C. 4601), to effectuate the purposes of this Act.

SECTION 6901(2) OF TITLE 31 UNITED STATES CODE

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CHAPTER 69—PAYMENT FOR ENTITLED LAND

Section 6901. Definitions.

In this chapter—

[(2) "unit of general local government" means—

(A) a county, city, township, borough existing in Alaska on October 20, 1976, or other political subdivision of a State that the Secretary of the Interior, on the same basis that the Secretary of Commerce uses for general statistical purposes, decides is a general purpose political subdivision of a State;

(B) the Commonwealth of Puerto Rico;
(C) Guam;
(D) the Commonwealth of the Northern Mariana Islands; and
(E) the Virgin Islands.]

(2) "unit of general local government" means—

(A) a county (or parish), township, borough existing in Alaska on October 20, 1976, or city where the city is independent of any other unit of general local government, that—
(i) is within the class or classes of such political subdivisions in a State that the Secretary of the Interior, in his discretion, determines to be the principal provider or providers of governmental services within the State; and (ii) is a unit of general government as determined by the Secretary of the Interior on the basis of the same principles as were used on January 1, 1983, by the Secretary of Commerce for general statistical purposes. The term "governmental services" includes, but is not limited to, those services that relate to public safety, environment, housing, social services, transportation, and governmental administration;
(B) the District of Columbia;
(C) the Commonwealth of Puerto Rico;
(D) Guam; and
(E) the Virgin Islands;

Section 6903. Payments.

(a) In this section—

[(4) if any part of a smaller unit is located within another unit, entitlement land within both units is deemed to be located within the smaller unit.]

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